

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

AMANDA WHEELER,	)	
	)	Case No. 3:20-cv-1055
Plaintiff,	)	
v.	)	
	)	
CAVALRY SPV I, LLC,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant Cavalry SPV I, LLC (“Cavalry”), by counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes the above-entitled action, which is currently pending in the Circuit Court of Sawyer County, Wisconsin, and states as follows:

**Background**

1. On September 29, 2020, Plaintiff Amanda Wheeler (“Plaintiff”) initiated a class action against Cavalry in the Circuit Court of Sawyer County, Wisconsin, by filing a Class Action Complaint & Request for Jury Trial (“Complaint”), alleging that Cavalry violated the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*, as well as Wis. Stat. § 100.18. (A copy of Plaintiff’s Complaint is attached hereto as Exhibit A.)

2. The Complaint constitutes “all process, pleadings, and orders served upon” Cavalry in this action. 28 U.S.C. § 1446(a).

**Removal Jurisdiction**

3. This action is properly removable under 28 U.S.C. § 1441, because this Court has original federal jurisdiction of this case under 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States”).

4. Specifically, Plaintiff alleges that Cavalry sought to collect debts from Plaintiff and other class members without first sending “a legally sufficient [right to cure] letter” as purportedly required under Wis. Stat. §§ 425.104-425.105. (Ex. A ¶¶ 7-8, 22-23, 37-40.) She contends that these actions constitute violations under the federal FDCPA, 15 U.S.C. §§ 1692e and 1692f. (Ex. A ¶¶ 41-43.) Hence, this is a civil action “arising under the Constitution, laws, or treaties of the United States pursuant to Section 1331, and removal is appropriate pursuant to Sections 1441 and 1446.

5. Plaintiff’s state law claim under Wis. Stat. § 100.18 is also based on her assertion that Cavalry allegedly sought to collect debts from Plaintiff and other class members without first sending right to cure letters. (Ex. A. ¶¶ 25-26.) Accordingly, this claim is “part of the same case or controversy” as Plaintiff’s FDCPA claim, and the Court may exercise supplemental jurisdiction. 28 U.S.C. § 1367(a).

6. Removal to this Court is proper as the United States District Court for the Western District of Wisconsin, embraces Sawyer County, Wisconsin, where the state court action was filed. 28 U.S.C. § 1441(a).

#### **Timeliness of Removal**

7. Cavalry was served a copy of the Summons and Complaint on October 23, 2020. Therefore, this notice of removal is timely under 28 U.S.C. § 1446(b), as less than 30 days have passed since Cavalry was served.

#### **Notice to State Court**

8. Pursuant to 28 U.S.C. § 1446(d), Cavalry is promptly providing written notice of its removal to Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Sawyer County, Wisconsin.

WHEREFORE, Defendant Cavalry SPV I, LLC, respectfully requests that the above-entitled action be removed from the Circuit Court of Sawyer County, Wisconsin, to this Court.

Dated: November 20, 2020

Respectfully submitted,

CAVALRY SPV I, LLC,

By: /s/ Matthew O. Stromquist

One of its attorneys

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**CERTIFICATE OF SERVICE**

Matthew O. Stromquist, an attorney, certifies that on November 20, 2020, he served a true and accurate copy of foregoing **Notice of Removal** on counsel of record listed below via electronic mail:

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/s/ Matthew O. Stromquist